

# Notice of Allowability

Application No.

10/661,209

Examiner

Matthew D. Hoel

Applicant(s)

MAYA ET AL.

Art Unit

3714

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/18/2007.
2. ☒ The allowed claim(s) is/are 1-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 3-21-07
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1 to 47 are allowed. The following is an examiner's statement of reasons for allowance: The examiner finds the combination of the plurality of value indicators, each with initial, intermediate, and final values, allowing the player to reselect one of the selected symbols upon display of the final values, and, as a result, of the player reselection, applying the mathematical modifier to all of the displayed final values, as cited in independent Claims 1, 11, 21, 30, 35, and 40 to be novel and non-obvious over the prior art. The closest prior art found by the examiner, Bennett ('298), has stocks that fluctuate in value, with an initial value, an intermediate, value and a final value. The examiner had interpreted the number of shares of the stock to be a multiplier applied to the final value of the stock, so that the award issued to the player would equal the final value multiplied by the number of shares (multiplier or modifier). There is no suggestion or motivation in light of '298 to allow the player to reselect a symbol after a plurality of final values are displayed and to apply the modifier based on the player's reselection to a plurality of final values to provide an award to the player. '298, for example, does not allow a player to pick another stock (symbol or stock symbol as interpreted by the examiner in prosecution) after the final value of a stock is displayed. The examiner believes these modifications attempted to be applied to the '298 reference would result in an inoperable game. The Thompson reference ('404) does not suggest the plurality of value indicators,

each with initial, intermediate, and final values, allowing the player to reselect one of the selected symbols upon display of the final values, and, as a result, of the player reselection, and applying the mathematical modifier to all of the displayed final values for reasons similar to those pertaining to '298. The examiner still believes '404 to be analogous art to '298 for reasons outlined in the final rejection of 6-19-2007. The examiner also notes Sakamoto (U.S. patent 6,471,588 B2) which cites initial, intermediate, and final *positions* of individual slot reels, but does not suggest the plurality of value indicators, each with initial, intermediate, and final values, allowing the player to reselect one of the selected symbols upon display of the final values, and, as a result, of the player reselection, applying the mathematical modifier to all of the displayed final values, as cited in independent Claims 1, 11, 21, 30, 35, and 40. The examiner also notes EP 0 944 030 A2, application 99104553.5, submitted by the applicants. The slot reels are not value indicators per se, they are symbol indicators; the value is determined by the combination of symbols on the payline (Para. 21; Figs. 4 & 5). In *rare* instances, such as in the bonus game of '030, the reels can be value indicators (Para. 27; Figs. 6, 7A-C). See also U.S. patent 6,589,114 B2 (Rose) and JP 54-074472 A (Yamamoto). '030 does not, however, suggest the plurality of value indicators, each with initial, intermediate, and final values, allowing the player to reselect one of the selected symbols upon display of the final values, and, as a result, of the player reselection, and applying the mathematical modifier to all of the displayed final values. The examiner respects that the applicants may have different reasons for allowance.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Citation of Pertinent Prior Art***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner notes commonly assigned (IGT, assignee of present application) patent publications 7,040,982 B1; 2006/0211469 A1; 2006/0205501 A1; and 2006/0205499 A1 with a priority date of Nov. 23<sup>rd</sup>, 2001 that are similar in disclosure to the Bennett ('298) reference, but these do not suggest the allowable features for reasons similar to those cited above. U.S. patent 6,494,785 B1 teaches initial, intermediate, and final locations (Figs. 3 to 6), but does not suggest the plurality of value indicators, each with initial, intermediate, and final values, allowing the player to reselect one of the selected symbols upon display of the final values, and, as a result, of the player reselection, and applying the mathematical modifier to all of the displayed final values. U.S. patent 6,506,118 B1 teaches initial, intermediate, and final locations (Figs. 4, 5, and 7 to 10), but does not suggest the plurality of value indicators, each with initial, intermediate, and final values, allowing the player to reselect one of the selected symbols upon display of the final values, and, as a result, of the player reselection, and applying the mathematical modifier to all of the displayed final values. U.S. patent 6,406,369 B1 teaches a bonus race game in

which the player's relative position determines the amount of a multiplier applied to the score of a base game (Figs. 3 to 5); the player has initial, intermediate, and final relative positions in the race game, but this game does not suggest the plurality of value indicators, each with initial, intermediate, and final values, allowing the player to reselect one of the selected symbols upon display of the final values, and, as a result, of the player reselection, and applying the mathematical modifier to all of the displayed final values.

### ***Conclusion***


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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